

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SEAN LEGURNIC,

Plaintiff,

-against-

SALVATORE CICCONE,

Defendant.

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Case No. 09-cv-01436
(ADS) (AKT)

REPLY DECLARATION

MARK E. GOIDELL, Esq., being an attorney duly admitted to practice before this Court, declares the following to be true under penalty of perjury:

1. I am the attorney for the Defendant Salvatore Ciccone, and as such, I am fully familiar with the material facts and circumstances stated herein. This Declaration is submitted in reply to the Plaintiff's papers opposing Defendants' motion pursuant to Fed. R. Civ. P. 59(e) for an Order altering or amending the Judgment by vacating the punitive and nominal damages awards on the unjust enrichment claim, and/or granting judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b)(3) striking the punitive and nominal damages awards.
2. Annexed hereto as Exhibit "A" is the trial Order dated April 2, 2014 (DE 99), which among other things, confirms the withdrawal of Plaintiff's breach of fiduciary duty claim.
3. Annexed hereto as Exhibit "B" is the entirety of DE 104-1, which contains the Verdict Sheet, the jury's deliberations notes to the Court, and the evidence Exhibit list.

/s Mark E. Goidell
Mark E. Goidell

Dated: Amityville, New York
June 13, 2014